

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
JACKSON DIVISION**

Glenn Edmonds,)	
)	
Plaintiff,)	
)	Case No.:
vs.)	
)	
DIRECTV, LLC,)	
)	
Defendant.)	

DEFENDANT DIRECTV, LLC'S NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1331, 1441 and 1446, Defendant DIRECTV, LLC ("DIRECTV") hereby removes the above-captioned case from the Circuit Court of Hardeman County, Tennessee, where it is pending as Civil Action Number 16-cv-42, to the United States District Court for the Western District of Tennessee, Jackson Division. In support of this Notice, DIRECTV states the following grounds for removal.

A. THE PROCEDURAL REQUIREMENTS FOR REMOVAL HAVE BEEN SATISFIED.

1. On October 5, 2016, Plaintiff filed a complaint in a civil action styled *Edmonds v. DIRECTV, LLC* in the Circuit Court of Hardeman County, Tennessee (the "Complaint").
2. DIRECTV was served with a summons and a copy of the Complaint on October 17, 2016.
3. This Notice of Removal is timely because it is being filed within thirty days after DIRECTV was served with the summons and the Complaint. *See* 28 U.S.C. § 1446(b).
4. Pursuant to 28 U.S.C. § 1446(a), the attachments at **Exhibit A** constitute the only process, pleadings or orders served upon DIRECTV in this action. As of the date of this removal, DIRECTV has not filed a responsive pleading to the Complaint. DIRECTV reserves its

right to assert all rights, claims and defenses of any nature in response to the Complaint, including, but not limited to, defenses relating to service of process, jurisdiction, and venue.

5. Venue for this action lies in the United States District Court for the Western District of Tennessee, Jackson Division, because this district and division embrace Hardeman County, Tennessee, where the civil action was pending. 28 U.S.C. § 1441(a).

6. Pursuant to 28 U.S.C. § 1446(d), copies of this Notice of Removal are being served upon Plaintiff and filed with the clerk of the Circuit Court of Hardeman County, Tennessee. An unsigned copy of the notice to be filed with state court regarding the Notice of Removal is attached hereto as **Exhibit B**.

B. THIS COURT HAS FEDERAL QUESTION JURISDICTION OVER THIS ACTION.

7. The Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1331, as it is a civil action stating claims for relief pursuant to the Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227, a law of the United States enacted by Congress. *See Mims v. Arrow Fin. Servs.*, 132 S. Ct. 740, 745 (Jan. 18, 2012) (holding that “federal and state courts have concurrent jurisdiction over private suits arising under the TCPA”); *Cunningham v. Kondaur Capital*, 2014 WL 8335868 at *4 (M.D. Tenn. Nov. 19, 2014) (“Although the statute permits claims to be brought in state court, there is also concurrent federal question jurisdiction under 28 U.S.C. § 1331 over the private cause of action created by the TCPA and such claims may be pursued in both the federal courts and state courts.”).

8. Accordingly, removal to the Court is proper pursuant to 28 U.S.C. § 1441(a). *See Wisc. Dept. of Corr. Schacht*, 524 U.S. 381, 386 (1998) (“We have suggested that the presence of even one claim ‘arising under’ federal law is sufficient to satisfy the requirement that the case be within the original jurisdiction of the district court for removal.”).

C. CONCLUSION

Based on the foregoing, this Court has jurisdiction over this civil action pursuant to 28 U.S.C. § 1331, and it is removable to this Court pursuant to 28 U.S.C. §§ 1441 and 1446.

Dated this 14th day of November, 2016.

/s/ Brandon D. Pettes

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CERTIFICATE OF SERVICE

I, Brandon D. Pettes, an attorney, do hereby certify that on November 14, 2016, I caused to be served by overnight mail and by email a copy of the foregoing upon the following:

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/s/ Brandon D. Pettes

BRANDON D. PETTES